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Paper No. 21

ROBERTS, ABOKHAIR & MARDULA, LLC
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MAR 3 1 2003

OFFICE OF PETITIONS

In re Application of
Kenneth Gould, Joo Chung,
Michael Sun and Frank Huang
Application No. 09/752,744
Filed: December 29, 2000
Attorney Docket No. 2585-007
Title: System and Method for
Multicast Stream Failure

DECISION ACCORDING
STATUS UNDER § 1.47(a)
and
GRANTING PETITION TO
REVIVE UNDER § 1.137(b)

This is a decision on the renewed petition filed March 27, 2003, under 37 CFR § 1.137(b) and § 1.47(a). A decision on the petition under § 1.137(b) had been held in abeyance pending applicant's further response to the dismissal of the petition under § 1.47(a).

The petition under § 1.47(a) is **GRANTED**.

The petition under § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Application mailed February 15, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice, with extensions of time obtainable under 37 CFR 1.136(a). No reply having been timely received and no extensions of time obtained, the above-identified application became abandoned on April 16, 2001. The filing of the initial petition preceded the mailing of a courtesy Notice of Abandonment.

The initial petition filed June 10, 2002, was dismissed for failure to submit the required reply to the Notice to File Missing Parts of Application¹. The reply filed on petition did not include an acceptable declaration, the late surcharge or new drawings.

A renewed petition was filed on November 14, 2002, but dismissed because the declaration did not comply with 35 U.S.C. 115 and the

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

petition did not include substitute drawings. (Decision mailed December 9, 2002). Second and third renewed petitions were also each dismissed for failure to submit a 1.47 declaration including the citizenship of all of the joint inventors (Decisions mailed January 6, 2003, and March 20, 2003).

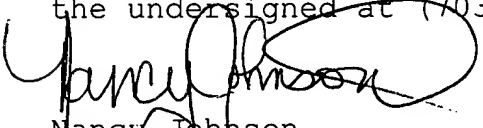
On instant renewed petition, petitioner submitted a declaration executed by joint inventor Gould on behalf of himself and on behalf of non-signing inventors Chung, Sun and Huang. This declaration has been reviewed and found in compliance with 37 CFR §§ 1.63 and 1.64. The petition is now found in compliance with 37 CFR 1.47(a). Petitioner has now met all requirements for a grantable petition under § 1.137(b).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Petitions Attorney
Office of Petitions



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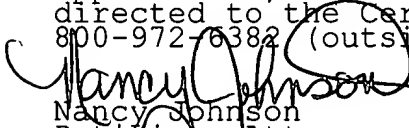
LETTER

Dear Mr. Huang:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Nancy Johnson
Petitions Attorney
Office of Petitions

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United States

MICHAEL SUN
2 CASE STREET
APT 212
NEW YORK, NY 13244

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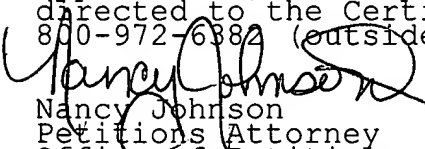
OFFICE OF PETITIONS

Dear Mr. Sun:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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LETTER

Dear Mr. Chung:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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Nancy Johnson
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